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EXAMINER

GREGG, MARY M

ART UNIT

PAPER NUMBER

3694

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/568,546	Applicant(s) MEBRUER, ROBERT	
	Examiner MARY GREGG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/17/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-43 have been examined.

Priority

2. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: FIG. 3 ref # 220. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 25 and 29 objected to because of the following informalities:

In reference to Claims 1 and 29:

Claims 1 and 29 cites in the body of the claim "authorised" and "authorising", which have been misspelled. Appropriate correction is required.

In reference to Claim 25:

According to 608.01(m) [R-7], each claim begins with a capital letter and ends with a period. Claim 25 as submitted begins with a lower case "a". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 39 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to Claim 39:

Claim 39 depends upon claim 29, however Claim 39 recites the limitation "the EPOS checkout" in lines 22. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner is defining the limitation as containing payment and purchase transactions.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 4, 13-14, 29-30, 32-33, 35, 40-41 are rejected under 35

U.S.C. 102(b) as being anticipated by US Patent No. 6,289,322 B1 by Kitchen et al. (Kit).

In reference to Claim 1:

A payment transaction system comprising: a receiver processor for receiving payment details from a consumer's communication device ((Kit) in at least FIG. 8, FIG. 9A-C, FIG. 10A-B, FIG. 11, FIG. 12A-C, FIG. 13, FIG. 14, Fig. 15), the device being provided with a template for input of information by the consumer to allow the consumer to input payment data into the communication device relating to the payment which is to be made ((Kit) in at least FIG. 8, FIG. 9A-C, FIG. 10A-B, FIG. 11, FIG. 12A-C, FIG. 13, FIG. 14, Fig. 15); and a central facility for maintaining an account relating to the consumer and for receiving the payment data from the receiver processor for **authorising** the payment or declining the payment and for supplying a signal to the receiver processor which indicates whether the payment is **authorised** or declined ((Kit) in at least FIG. 2, FIG. 2A; Col 1 lines 1-7, Col 6, Col 14 lines 33-44, Col 15 lines 50-55).

In reference to Claim 2:

The system of claim 1 (see rejection of claim 1 above) further comprising a retailer processor coupled to the receiver processor and/or the central facility for storing details of payments made by the consumer to enable a retailer to reconcile payments made by the consumer with funds supplied from the central facility ((Kit) in at least FIG. 2, FIG. 2A-B, FIG. 9B-C, FIG. 11, FIG. 13; Col 10 lines 15-25).

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In reference to Claim 4:

The system of claim 1 (see rejection of claim 1 above) wherein the central facility comprises a server which includes an account transaction payment database for maintaining account details relating to the consumer, and an approval processor for receiving the payment data relating to the payment, and for approving or declining the payment based on the status of the consumer's account as maintained in the account transaction payment database ((Kit) in at least FIG. 4-7, FIG. 8, FIG. 9A-C, FIG. 10A-B, FIG. 11, FIG. 12A-C, FIG. 13, FIG. 14, Fig. 15; Col 2 lines 1-5, Col 6, Col 14 lines 33-44, Col 15 lines 8-21, 50-55, Col 17 lines 1-17).

In reference to Claim 13:

The system of claim 1 (see rejection of claim 1 above) wherein the communication device comprises a mobile telephone ((Kit) Col 7 lines 18-25).

In reference to Claim 14:

The system of claim 2 (see rejection of claim 2 above) wherein the receiver processor receives the payment data via the central facility after the central facility has processed the payment data and indicated approval of the payment, the central facility supplying an approval code (payment authorization) from the central facility via a fixed line to the receiver processor, and the receiver processor supplying the payment data via a communication link to the retailer processor ((Kit) FIG. 2, FIG. 2A-B, FIG. 10A, FIG. 10B, FIG. 13, FIG. 12C).

In reference to Claim 29:

A payment transaction method comprising: receiving payment details from a consumer's communication device, the device being provided with a template for input of information by the consumer to allow the consumer to input payment data into the communication device relating to the payment which is to be made ((Kit) in at least FIG. 2A, FIG. 8, FIG. 9A-B, FIG. 10B, FIG. 12A-C); and providing a central facility for maintaining an account relating to the consumer and for receiving the payment data for **authorising** the payment or declining the payment and for supplying a signal to the receiver processor which indicates whether the payment is **authorised** or declined ((Kit) FIG. 1, FIG. 2, FIG. 9A-B, FIG. 12B; Col 1 lines 1-7, Col 6, Col 14 lines 33-44, Col 15 lines 50-55).

In reference to Claim 30:

The method of claim 29 (see rejection of claim 29 above) wherein the method further comprises storing details of payments made by the consumer to enable a retailer to reconcile payments made by the consumer with funds supplied from the central facility ((Kit) FIG. 2A, FIG. 9B; Col 10 lines 20-25, Col 14 lines 16-33).

In reference to Claim 32:

The method of claim 29 wherein the central facility maintains an account transaction payment database for maintaining account details relating to the consumer, and an approval processor is used to receive the payment data relating to the payment, and for approving or declining the payment based on the status of the consumer's account as maintained in the account transaction payment database ((Kit) in at least FIG. 2, FIG. 2A; Col 1 lines 1-7, Col 6, Col 14 lines 33-44, Col 15 lines 50-55).

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In reference to Claim 33:

The method of claim 29 (see rejection of claim 29 above) wherein the method further comprises maintaining a store back office server having a store database ((Kit) in at least FIG. 2; Col 4 lines 11-55, Col 6 lines 1-20, Col 10 lines 15-25).

In reference to Claim 35:

The method of claim 34 wherein a modem is used to supply the payment data via the fixed line to the approval processor ((Kit) in at least FIG. 1, FIG. 2; Col 7 lines 17-25).

In reference to Claim 40:

The method of claim 29 (see rejection of claim above) wherein the supply of payment data is from a mobile telephone ((Kit) Col 7 lines 18-25).

In reference to Claim 41:

The method of claim 29 (see rejection of claim 29 above) wherein the payment data is provided to a retail store via the central facility after the central facility has processed the payment data and indicated approval of the payment, the central facility supplying an approval code from the central facility via a fixed line ((Kit) in at least FIG. 2, FIG. 2A-B, FIG. 9B-C, FIG. 11, FIG. 13; Col 10 lines 15-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 5-6, 15, 31, 34 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,289,322 B1 by Kitchen et al. (Kit) as applied to claims 1-2 above with respect to claims 3, 5-6; as applied to claims 29 above with respect to claim 31, as applied to claims 29 and 33 above with respect to claim 34; as applied to claims 29 and 41 above with respect to claims 42-43 and further in view of US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear).

In reference to Claim 3:

The system of claim 2 (see rejection of claim 2 above), wherein the receiver processor comprises a..., the terminal having apparatus for receiving a signal from the communication device which transmits the payment data from the communication device to the receiver processor ((Kit) in at least FIG. 8, FIG. 9A-C, FIG. 10A-B, FIG. 11, FIG. 12A-C, FIG. 13, FIG. 14, Fig. 15).

Kit does not explicitly teach:

... store EPOS checkout terminal...

Lear teaches:

... store EPOS checkout terminal...((Lear) in at least FIG. 2-4, FIG. 10; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0144, para 0145).

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3

In reference to Claim 5:

Kit teaches:

The system of claim 2 (see rejection of claim 1 above) wherein the retailer processor has a ...

Kit does not explicitly teach:

...store back office server coupled to the EPOS terminal, the store back office server having a store database

Lear teaches:

... store back office server coupled to the EPOS terminal, the store back office server having a store database ((Lear) in at least FIG. 2 ref # 255, ref # 250, ref #245, FIG. 6 ref # 600, FIG. 8 ref #600, FIG. 9, FIG. 10 ref # 250; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0144, para 0145).

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3

In reference to Claim 6:

The combination teaches:

The system of claim 5 (see rejection of claim 5 above) wherein the retailer processor has a communication transmission processor and a transaction payment database, and wherein the receiver processor and the retailer processor are coupled together by a communication link ((Kit) in at least FIG. 1-2; (Lear) FIG. 2, FIG. 3, FIG. 6, FIG. 10).

In reference to Claim 15:

Kit teaches:

The system of claim 1 (see rejection of claim 1 above) wherein the receiver processor comprises ...

Lear teaches:

...a store back office server having a payment application processor and a store database, an EPOS store collection point coupled to the store back office server, the payment data being received by the store back office server so the store database can be updated in respect of the approved payment, and the payment processor being for

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transmitting an approval signal containing an approval code to the EPOS collection point, the central facility confirming approval of payment to the consumer by transmission of an approval code to the communication device of the consumer, .((Lear) in at least FIG. 2-4, FIG. 10; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0144, para 0145) so that when the consumer presents at the collection point, the approval code is matched with the approval code stored at the collection point to confirm payment so the consumer can collect the goods or services at the collection point ((Lear) in at least FIG. 1, FIG. 8, FIG. 10; para 0016, para 0023, para 0027, para 0075, para 0144) .

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

In reference to Claim 31:

Kit teaches:

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The method of claim 29 (see rejection of claim 29 above) wherein the step of receiving payment data comprises receiving the data...

Kit does not teach:

... by a store EPOS checkout terminal, the terminal having apparatus for receiving a signal from the communication device which transmits the payment data from the communication device to the receiver processor.

Lear teaches:

... by a store EPOS checkout terminal, the terminal having apparatus for receiving a signal from the communication device which transmits the payment data from the communication device to the receiver processor ((Lear) in at least FIG. 2 ref # 255, ref # 250, ref #245, FIG. 6 ref # 600, FIG. 8 ref #600, FIG. 9, FIG. 10 ref # 250; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0144, para 0145).

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior

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art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3

In reference to Claim 34:

Kit teaches:

The method of claim 33 (see rejection of claim 33 above) wherein the payment data is transmitted by a fixed line to the central facility for transmitting the payment data to the central facility server and for receiving via a fixed line an indication as to whether the payment is approved or declined ((Kit) in at least FIG. 1, FIG. 2, FIG. 7, FIG. 9C; Col 2 lines 1-5, Col 11 lines 40-55, Col 14 lines 33-45), so that if the payment is approved, the approval can be updated in the transaction payment database,...

Kit does not explicitly teach:

... and supplying from the central facility to the store back office server an indication that the payment is approved or declined for in turn supply to the EPOS checkout terminal, so that a transaction associated with the payment can proceed if the payment is approved, or cease if the payment is declined.

Lear teaches:

... and supplying from the central facility to the store back office server an indication that the payment is approved or declined for in turn supply to the EPOS checkout terminal, so that a transaction associated with the payment can proceed if the payment is approved, or cease if the payment is declined ((Lear) in at least FIG. 1, FIG. 8, FIG. 10; para 0016, para 0023, para 0027, para 0075, para 0144) .

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 42:

Kit teaches:

The method of claim 41 (see rejection of claim 41 above) wherein the payment data is received by a store back office server so a store database can be updated in respect of the approved payment transmitting ((Kit) in at least FIG. 11, FIG. 13; Col 4 lines 11-45, Col 6 lines 1-20, Col 10 lines 1-15)...

Kit does not teach:

... an approval signal containing an approval code to an EPOS collection point, the central facility confirming approval of payment to the consumer by transmission of an approval code to the consumer, so that when the consumer presents at the collection point, the approval code is matched with the approval code stored at the

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collection point to confirm payment so the consumer can collect the goods or services at the collection point.

Lear teaches:

...an approval signal containing an approval code to an EPOS collection point, the central facility confirming approval of payment to the consumer by transmission of an approval code to the consumer, so that when the consumer presents at the collection point, the approval code is matched with the approval code stored at the collection point to confirm payment so the consumer can collect the goods or services at the collection point .((Lear) in at least FIG. 1, FIG. 2-4, FIG. 8, FIG. 10; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0145, para 0016, para 0023, para 0027, para 0075, para 0144) .

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

In reference to Claim 43:

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The combination teaches:

The method of claim 42 (see rejection of claim 42 above) wherein the method maintains a transaction payment database for storing details of the payment which is approved by communication of a further communication link from the store back server so that the payment approval can be updated in the transaction payment database ((Kit) in at least FIG. 11, FIG. 13; Col 4 lines 11-45, Col 6 lines 1-20, Col 10 lines 1-15.((Lear) in at least FIG. 2-4, FIG. 10; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0144, para 0145))

10. Claims 7-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,289,322 B1 by Kitchen et al. (Kit) in view of US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear), as applied to claims 1-2, 5-6 above with respect to claims 1-9; as applied to claims 1-3 above with respect to claim 12, and further in view of US Patent No. 6934664 B1 by Webb et al. (Web).

In reference to Claim 7:

The combination teaches:

The system of claim 6 (see rejection of claim 6 above), wherein the transmission processor is connected by a fixed line to the central facility server for transmitting the payment data to the central facility server and for receiving via a fixed line an indication as to whether the payment is approved or declined,...

The combination does not explicitly teach:

...so that if the payment is approved, the approval can be updated in the transaction payment database, the central facility processor also being for supplying to

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the store back office server an indication that the payment is approved or declined for in turn supply to the EPOS checkout terminal, so that a transaction associated with the payment can proceed if the payment is approved, or cease if the payment is declined.

Lear teaches:

...so that if the payment is approved, the approval can be updated in the transaction payment database, the central facility processor also being for supplying to the store back office server an indication that the payment is approved or declined for in turn supply to the EPOS checkout terminal, so that a transaction associated with the payment can proceed if the payment is approved, ((Lear) in at least FIG. 2; para 0113, para 0144, para 0156, para 0147)

(see rationale supporting obviousness and motivation to combine of claim 3 above)

Lear does not explicitly teach:

... or cease if the payment is declined.

Web teaches:

... or cease if the payment is declined ((Web) FIG. 3; Col 8 lines 17-25).

Both the combination and Web are directed toward electronic purchase transactions and payments. Web teaches the motivation for checking the payment and/or identification information with an issuing financial institution for validity and amount limits where depending on the information received the system processor would accept or decline the transaction. The combination teaches if insufficient funds are available to apply other accounts which suggest that the transaction will not continue if funds are not applied from other accounts with respect to the deficit. Web

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teaches the motivation for checking the payment and/or identification information with an issuing financial institution for validity and amount limits where depending on the information received the system processor would accept or decline the transaction.

Therefore, it would have been obvious in the art at the time of the invention as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 8:

The combination teaches:

The system of claim 7 (see rejection of claim 7 above) wherein the transmission processor comprises a modem for supplying the payment data via the fixed line to the approval processor ((Kit) Col 1 lines 65-67, Col 3 lines 35-40, Col 6 lines 30-40, Col 7 lines 18-21).

In reference to Claim 9:

The system of claim 7 (see rejection of claim 7 above) wherein a single fixed line supplies the payment data from the modem to the approval processor and the approval or decline data from the approval processor to the retailer's head office server ((Lear) in at least FIG. 2; para 0113, para 0144, para 0156, para 0147; (Web) FIG. 3; Col 8 lines 17-25).

(see rationale supporting obviousness and motivation to combine of claim 3 and 6 above)

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Although the combination does not explicitly teach “the approval or decline data from the approval processor to the retailer's head office server”, the combination does teach the retailer notified. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

In reference to Claim 12:

The combination teaches/suggest:

The system of claim 3 (see rejection of claim 3 above) wherein the apparatus is for receiving suggest communication from the communication device so the payment data is transmitted from the communication device to the EPOS checkout terminal ((Lear) para 0006)

Web teaches explicitly:

...wherein the apparatus is for receiving blue-tooth communication...((Web) Col 6 lines 10-35).

Although the combination does not explicitly teach “Bluetooth”, both the combination and Web explicitly teach utilizing wireless technology for communication for payment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine prior art elements according to known methods to yield predictable results as known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

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11. Claims 10 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,289,322 B1 by Kitchen et al. (Kit) in view of US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear), as applied to claims 1-3 above with respect to claim 10, as applied to claim 37 with respect to claim 37 and further in view of US Patent No. 5870725 by Bellinger et al. (Bell)

In reference to Claim 10:

The combination teaches:

The system of claim 3 (see rejection of claim 3 above) wherein the apparatus for receiving the payment data from the communication device comprises ...

The combination does not explicitly teach:

...an EDC (Electronic Data Capture) machine or cradle in which the communicator device can sit, so the data is transmitted by contact between the communicator device and the EDC machine or cradle.

Bell teaches:

...an EDC (Electronic Data Capture) machine or cradle in which the communicator device can sit, so the data is transmitted by contact between the communicator device and the EDC machine or cradle ((Bell) in at least Col 2; FIG. 22-23).

Both the combination and Bell are directed toward online transactions. Bell provides the motivation of providing a means for utilizing checks for online transactions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for

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improvement to yield predictable results, as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3

In reference to Claim 37:

Kit teaches:

The method of claim 29 (see rejection of claim 29 above) wherein the method supplies the payment data from the communication device via...

Kit does not explicitly teach:

... an EDC (Electronic Data Capture) machine or cradle in which the communicator device can sit so the data is transmitted by contact between the communicator device and the cradle

Bell teaches:

... an EDC (Electronic Data Capture) machine or cradle in which the communicator device can sit so the data is transmitted by contact between the communicator device and the cradle ((Bell) in at least Col 2; FIG. 22-23).

Both the combination and Bell are directed toward online transactions. Bell provides the motivation of providing a means for utilizing checks for online transactions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to

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modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3

12. Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,289,322 B1 by Kitchen et al. (Kit) in view of US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear), as applied to claims 1-3 above with respect to claim 11; as applied to claim 29 with respect to claim 38, and further in view of US Patent No. 6175922 B1 by Wang (Wang)

In reference to Claim 11:

The combination teaches/suggests:

The system of claim 3 (see rejection of claim 3 above) wherein the apparatus comprises an infrared detector for infrared communication between the communicator and the apparatus ((Kit) Col 7 lines 18-25; (Lear) para 0006).

Wang teaches:

... an infrared detector for infrared communication between the communicator and the apparatus ((Wang) Col 20 lines 1-5, Col 19 lines 65-67)

Although the combination does not explicitly teach "an infrared detector for infrared communication", both the combination and Web explicitly teach utilizing wireless technology for communication for payment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine prior art elements according to known methods to yield predictable results as known work in one field of endeavor may prompt variations of it for use in either the same field or a different

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one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art

In reference to Claim 38:

Kit teaches:

The method of claim 29 (see rejection of claim 29 above) wherein the payment data is supplied by...

Kit does not explicitly teach:

... infrared communication

Wang teaches:

... an infrared communication ((Wang) Col 20 lines 1-5, Col 19 lines 65-67)

Although the combination does not explicitly teach " an infrared detector for infrared communication", both the combination and Web explicitly teach utilizing wireless technology for communication for payment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine prior art elements according to known methods to yield predictable results as known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art

13. Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,289,322 B1 by Kitchen et al. (Kit) as applied to claim 1 above with respect to claim 16; as applied to claims 29, 33-34 with respect to claim 36.

In reference to Claim 16:

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The system of claim 1 (see rejection of claim 1 above) wherein the retailer processor comprises a retailer head office server having a transaction payment database for storing details of the payment which is approved by communication of a further communication link from the store back server to the retailer head office server so that the payment approval can be updated in the transaction payment database ((Kit) in at least FIG. 8, FIG. 9A-C, FIG. 10A-B, FIG. 11, FIG. 12A-C, FIG. 13, FIG. 14, Fig. 15)

Although the prior art does not explicitly teach “retailer’s head office server”, the combination does teach the retailer notified. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

In reference to Claim 36:

The method of claim 34 (see rejection of claim 34 above) wherein a single fixed line supplies the payment data from the modem to the approval processor and the approval or decline data from the approval processor to the retailer's head office server ((Kit) Col 7 lines 17-25)

Although the prior art does not explicitly teach “retailer’s head office server”, the combination does teach the retailer notified. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

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14. Claims 17-18, 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear)

In reference to Claim 17:

A payment transaction system comprising: a first processor having an apparatus for receiving payment data from a communication device belonging to a consumer to enable payment to be made for goods or services ((Lear) in at least FIG. 2), an EPOS checkout terminal, and a store back office server having a store database connected to the EPOS checkout terminal ((Lear) in at least FIG. 2, FIG. 3, FIG. 6-8, FIG. 10); a retailer processor having a communication transmission processor and a transaction payment database ((Lear) in at least FIG. 2, FIG. 3, FIG. 6-8, FIG. 10); a first communication link connecting the receiver processor to the retailer processor ((Lear) in at least FIG. 2-3, FIG. 12); a central facility having a payment approval processor and an account transaction payment database, the account transaction database maintaining a database of accounts relating to consumers so that the processor can interrogate the database and determine whether a payment is to be approved or declined ((Lear) in at least FIG. 2, FIG. 3, FIG. 6-8, FIG. 10; para 0113, para 0144, para 0156, para 0147); a second communication link for connecting the retailer processor to the central facility so that the payment data can be transmitted from the retailer head office server to the payment approval processor ((Lear) in at least FIG. 2, FIG. 6-8, FIG. 10), and for transmitting a signal back from the central facility to the head office server indicating that payment is approved to enable updating of the transaction payment database of the retail head office server ((Lear) FIG. 2, FIG. 6-8, FIG. 10; para 0073,

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para 0075); a third communication link for communicating the central facility with the receiver processor for enabling an indication of the approval of the payment to be transmitted from the central facility to the receiver processor so that the EPOS checkout terminal is provided with an indication that payment is approved to enable a consumer to receive the goods or services relating to the payment ((Lear) in at least FIG. 2, FIG. 3, FIG. 6-8, FIG. 10; para 0113, para 0144, para 0156, para 0147)

Although the prior art does not explicitly teach “retailer's head office server”, the combination does teach the retailer notified. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

In reference to Claim 18:

The system of claim 17 (see rejection of claim 17 above) wherein the central facility is also for transmitting a signal to the communication device of the consumer indicating that payment is approved ((Lear) in at least FIG. 1; para 0016).

In reference to Claim 23:

The system of claim 17 (see rejection of claim 17 above) wherein the second communication link comprises at least one fixed line for connecting the modem to the central facility ((Lear) in at least FIG. 2).

In reference to Claim 24:

The system of claim 17 (see rejection of claim 17 above) wherein the first and third communication links comprise a common communication network interconnecting

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the receiver processor, the retailer processor and the central facility ((Lear) in at least FIG. 2; wherein the prior art teaches a web broker)

In reference to Claim 25:

Lear teaches:

a payment transaction system comprising: a central facility having a payment approval processor and a transaction payment database ((Lear) in at least FIG. 2; wherein the prior art teaches a web broker), the database maintaining accounts relating to respective consumers, and the payment approval processor being for interrogating the database and determining whether a payment is to be approved based on the status of the consumers account, as maintained in the database ((Lear) FIG. 2, FIG. 6, FIG. 8; para 0023, para 0024, para 0055), the central facility being for receiving payment data from a communication device belonging to a consumer, and if payment is to be approved for transmitting an approval code back to the communication device ((Lear) in at least FIG. 2, FIG. 6, FIG. 8; para 0023, para 0024, para 0055, para 0056, para 0057, para 0058, para 0060); a receiver processor associated with a retail outlet for receiving an approval signal including the approval code from the central facility, the receiver processor including a store back office server having a payment application processor and a store database, the store database being for storing the approved payment, and an EPOS collection point for receiving from the payment application processor the approval code and for storing the approval code, so that when the consumer presents at the collection point to collect goods or services paid for, the approval code transmitted to the user's communication device and the stored approval code at the collection point

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are matched to confirm payment ((Lear) in at least FIG. 1, FIG. 8, FIG. 10; para 0016, para 0023, para 0027, para 0075, para 0144) a communication link for communicating the central facility with the receiver processor ((Lear) in at least FIG. 2) ; a retail head office server including a payment database for receiving from the store back office server approval payment details for storing the payment transaction details to enable reconciliation of payments with the central facility; and a second communication link for connecting the store back office server with the retailer head office server ((Lear) in at least FIG. 2, FIG. 6, FIG. 8, FIG. 10)

Although the prior art does not explicitly teach “retailer's head office server”, the combination does teach the retailer notified. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

In reference to Claim 26:

The system of claim 25 (see rejection of claim above) wherein the first communication link comprises a fixed line communication link ((Lear) in at least FIG. 2)

In reference to Claim 27:

The system of claim 25 (see rejection of claim 25 above) wherein the payment application processor of the store back office server communicates with the EPOS collection point via a store communication network ((Lear) in at least FIG. 2, FIG. 8).

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15. Claims 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear) as applied to claims 17-18 above, and further in view of US Pub. No. 2003/0171993 A1 by Chappuis (Chap)

In reference to Claim 19:

Lear teaches:

The system of claim 18 (see rejection of claim 18 above) ...

Lear does not explicitly teach:

...wherein the signal is an SMS message ((Chap) in at least para 0042-0043)

Both Lear and Chap teach transactions via a electronic devices. Chap teaches utilizing mobile devices for transactions are old and well known. Chap teaches the motivation for sms in order for the user to temporarily store information is the mobile telephone network is not reachable. Therefore, as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

16. Claims 20, 22, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear) as applied to claims 17 above, and further in view of US Patent No. 6,289,322 B1 by Kitchen et al. (Kit).

In reference to Claim 20:

Lear teaches:

The system of claim 17 (see rejection of claim 17 above) wherein the communication device is provided with a ...

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Lear does not explicitly teach:

...preset template which is downloaded to facilitate the input of information by the consumer into the mobile telephone relating to the payment so the mobile telephone can transfer the payment data to the receiver processor.

Kit teaches:

...preset template which is downloaded to facilitate the input of information by the consumer into the mobile telephone relating to the payment so the mobile telephone can transfer the payment data to the receiver processor ((Kit) in at least FIG. 9A-B, FIG. 10B, FIG. 12A-C).

Both Lear and Kit are directed toward bill payment. Kit teaches the motivation of bill presentation with respect to portions of bill information applicable for each payor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention by applying a known technique to a known device (method, or product) ready for improvement to yield predictable results as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 22:

Lear teaches:

The system of claim 17 (see rejection of claim 17 above) wherein the communication device comprises ...

Lear does not explicitly teach:

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...a mobile telephone

Kit teaches:

...a mobile telephone ((Kit) Col 7 lines 18-25)

Both Lear and Kit are directed toward electronic transactions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to simply substitute one known element (communication device) for another to obtain predictable results

In reference to Claim 28:

Lear teaches:

The system of claim 25 (see rejection of claim 25 above) wherein the communication device is provided with a ...

Lear does not explicitly teach:

...preset template for downloading to facilitate the input of data by the consumer to form the payment data supplied to the central facility

Kit teaches:

... preset template for downloading to facilitate the input of data by the consumer to form the payment data supplied to the central facility ((Kit) in at least FIG. 9A-B, FIG. 10B, FIG. 12A-C).

Both Lear and Kit are directed toward bill payment. Kit teaches the motivation of bill presentation with respect to portions of bill information applicable for each payor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention by applying a known technique to a known device (method, or product) ready

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for improvement to yield predictable results as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

17. Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear), as applied to claim 17 above, and further in view of US Patent No. 5870725 by Bellinger et al. (Bell).

In reference to Claim 21:

Lear teaches:

The system of claim 17 (see rejection of claim 17 above) wherein the receiver processor includes...

Lear does not explicitly teach:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor.

Bell teaches:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor ((Bell) in at least Col 2; FIG. 22-23).

Both Lear and Bell are directed toward online transactions. Bell provides the motivation of providing a means for utilizing checks for online transactions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement

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to yield predictable results, as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

See MPEP § 214.3.

18. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,289,322 B1 by Kitchen et al. (Kit), as applied to claim 29 above and further in view of in view of US Pub No. 2002/0077978 A1 by O'Leary et al. (Lear) and in view of US Patent No. 6934664 B1 by Webb et al. (Web).

In reference to Claim 39:

Kit teaches:

The method of claim 29 (see rejection of claim 29 above) wherein payment data is supplied by ...

Kit does not explicitly teach:

...blue-tooth communication from the communication device so the payment data is transmitted from the communication device to the EPOS checkout terminal.

Lear teaches:

payment data is supplied ... so the payment data is transmitted from the communication device to the EPOS checkout terminal. ((Lear) in at least FIG. 2-4, FIG. 10; abstract; para 0051, para 0052, para 0053, para 0055, para 0057, para 0143, para 0144, para 0145).

Web teaches:

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...blue-tooth communication from the communication device so the payment data is transmitted from the communication device to the EPOS checkout terminal ...((Web) Col 6 lines 10-35).

Both Kit and Lear are directed toward electronic bill payment ((Lear) FIG. 6-7; para 0127-0128). Lear teaches the internet has spawned a direct model for vendors to deal with customers and teaches a need for customers to purchase and pay bills more efficiently and less costly using electronic systems and methods. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results. Furthermore, the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3

Although the combination does not explicitly teach "Bluetooth", both the combination and Web explicitly teach utilizing wireless technology for communication for payment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine prior art elements according to known methods to yield predictable results as known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

Conclusion

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19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6,547,134 B2 by Ogilvie is cited for teaching seller, buyer and third party transactions.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694

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